



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

901054

REPLY TO THE ATTENTION OF:

**VIA EMAIL AND REGULAR MAIL**

February 5, 2013

Robert Clark, Esq.  
Taft, Stettinius & Hollister LLP  
One Indiana Square, Suite 3500  
Indianapolis, Indiana 46204

Re: In the matter of Western Tar Products Site, Terre Haute, Vigo County, Indiana  
V-W-11-C-966

Dear Mr. Clark:

I am writing to request an update on the status of the litigation between CAVU Ops., Inc. and its insurance carriers. The outcome of this litigation is of interest to the U.S. Environmental Protection Agency because CAVU Ops. is the respondent in the above-captioned matter. Work at the Site, which began in 2011, has come to a standstill and is not likely to resume unless CAVU Ops. settles or prevails in the litigation with its insurance carriers.

The failure of CAVU Ops. to complete the work required under the Administrative Order violates the terms of the Order. Section VII. of the Administrative Order provides substantial civil penalties for noncompliance. It also provides that U.S. EPA may carry out the required actions unilaterally or seek judicial enforcement of the Order.

So that EPA can better evaluate its options, please provide me with a written update on the status of the litigation between CAVU Ops. and its insurance carriers no later than February 15, 2013. It would be helpful if the update included a description of any planned arbitration and your qualified assessment of the likelihood of settlement.

If you have any questions, please do not hesitate to call me. I may be reached at (312) 353-3804.

Sincerely,

  
Steven P. Kaiser  
Associate Regional Counsel

Cc: Paul Atkociunas (SE-5J)